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FAY SHARPE / XEROX - ROCHESTER
1228 EUCLID AVENUE, 5TH FLOOR
THE HALLE BUILDING
CLEVELAND, OH 44115

EXAMINER	
ESKANDARNIA, ARVIN	

ART UNIT	PAPER NUMBER
2442	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/686,751	FURST ET AL.	
	Examiner	Art Unit	
	ARVIN ESKANDARNIA	2442	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 November 2010*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *26-44* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *26-44* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *1/20/2011*.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

Response to Amendment

This communication is responsive to the communication filed on November 30, 2010.

The Information Disclosure Statement dated January 20, 2011 has been considered by the examiner.

Claims 32 and 42 have been amended.

Claims 26-44 are pending.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 26-30 and 32-44 rejected under 35 U.S.C. 102(b) as being unpatentable by Hemphill et al. U.S. Patent No. 6,167,448.

As per claim 26, Hemphill discloses:

- **A system for remotely supporting a family of products even when the products are deployed in the field, the system comprising:**

- **at least one respective unit (110) of a first product of the family of products,** (Hemphill, Col. 3, Lines 16-19) where the managed elements or devices are disclosed;

- **an interchangeable device model (122, 123) for the first product selected from a family of device models wherein each member of the family of device models includes at least identifications of classes of information that can be communicated to and/or from the each of the products of the family of products and mappings indicating how the classes of information can be communicated to and/or from the first product,** (Hemphill, Col. 7, Lines 26-35) where the management communication layer is the interchangeable device model as claimed. The management communication layer is said to be responsible for understanding a management protocol and calls the instrumentation code to acquire data or to perform management control operations.

- **at least one respective device model agent (120) that is operative to read the interchangeable device model and access information in the at least one respective unit and to provide information to the at least one respective unit according to the interchangeable device model and to communicate with at least one other element of the system regarding the at least one unit over at least one communications link according to terms, parameters, structures or protocols that are common to products of the family of products, regarding at least one of unit configuration parameters, unit status information,**

available upgrade information, selected upgrade information, selected downgrade information, available update information, requested update information, an error message, and service request information, (Hemphill, Col. 7, Lines 23-26) where the device model agent is the management agent as claimed. The management agents are implemented to detect a plurality of management events that may occur on the managed device. The management device includes the management communication layer. (Hemphill, Col. 1, Lines 58-60) The management events are responded to with proper actions. (Hemphill, Col. 6, Lines 5-7) where responses to the events are categorized and one action category is software updates. More categories of the action in response to the events are disclosed throughout Hemphill's prior art reference. Furthermore, (Hemphill, Col. 7, Lines 28-34) also it is disclosed that the management communication layer is responsible for understanding a management protocol;

- **a services host server (310) that is operative to exchange information with the at least one respective device model agent over the at least one communications link, the exchanged information including at least one of: the unit configuration parameters, the unit status information, the available upgrade information, the selected the upgrade information, the selected downgrade information, the available update information, the requested update information, the error message, and the service request information,** (Hemphill, Col. 7, Lines 62-65) where the management server is the services

host server as claimed. Where the management server includes a server interface that is communicatively coupled to the network for sending and receiving information according to any desired format or protocol via the network. (Hemphill, Col. 6, Lines 5-7) where responses to the events are categorized and one action category is software updates. More categories of the action in response to the events are disclosed throughout Hemphill's prior art reference.

As per claim 27, claim 26 is incorporated and further Hemphill discloses:

- **at least one respective second unit (110) of a second product of the family of products,** (Hemphill, Col. 3, Lines 16-19);

- **a second interchangeable device model (122) for the second product selected from the family of device models wherein the second interchangeable device model includes mappings indicating how the classes of information can be communicated to and/or from the second product,** (Hemphill, Col. 7, Lines 26-35);

- **at least one respective copy of the device model agent (120) that is operative to read the second interchangeable device model and access information in the at least one second respective unit of the second product and to provide information to the at least one respective unit of**

a second product according to the second interchangeable device model and to communicate with the services host regarding the at least one unit over at least one communications link according to the terms, parameters, structures or protocols that are common to products of the family of products, regarding at least one of second unit configuration parameters, second unit status information, available second unit upgrade information, selected second unit upgrade information, selected second unit downgrade information, available second unit update information, requested second unit update information, an error message regarding the second unit, and service request information regarding the second unit, (Hemphill, Col. 7, Lines 23-26) , (Hemphill, Col. 1, Lines 58-60), (Hemphill, Col. 6, Lines 5-7), (Hemphill, Col. 7, Lines 28-34).

As per claim 28, claim 26 is incorporated and further Hemphill discloses:

- **at least one services provider (300) that is operative to exchange information with the services host server over at least one communications link and to provide at least one of: updated software, software upgrades, billing services, maintenance services and repair services for the at least unit according to at least one of: the unit status information, the selected upgrade information, the requested update**

information, the error message and the service request information received from the at least one unit, (Hemphill, Col. 6, Lines 5-7).

As per claim 29, claim 26 is incorporated and further Hemphill discloses:

- **the at least one respective device model agent is at least one of: implemented as a process included in the at least one respective unit and implemented within a physical add-on module (115) that is connected to the respective at least one unit,** (Hemphill, Col. 7, Lines 26-35 and Fig. 2, Ref. 202 and 205).

As per claim 30, claim 26 is incorporated and further Hemphill discloses:

- **an application server (200, 310, 320) that is operative to receive application software modules from at least one services provider and make the software application modules available for transmission to and installation in the at least one respective device model agent for performing new services in conjunction with the at least one respective unit,** (Hemphill, Col. 7, Lines 62-66).

As per claim 32, claim 30 is incorporated and further Hemphill discloses:

- **at least on of: the respective at least one unit, the services host server and the application server further comprise: an application programming interface (130, 230, 330) that is operative to determine which means of communications are available to the application programming interface, to select one or more communication means from the available communications means for communicating with at least one other system element, and to communicate with the at least one other system element according to one or more protocol that is appropriate to the one or more selected communications means,** (Hemphill, Col. 7, Lines 6-22).

As per claim 33, claim 30 is incorporated and further Hemphill discloses:

- **the application programming interface supports communication via at least HTTP, HTTPS, JMS, email, 10BaseT, 100BaseT, 10Base2, Modem, IEEE 802.11X, and Bluetooth, protocols,** (Hemphill, Col. 8, Lines 10-15).

As per claim 34, claim 26 is incorporated and further Hemphill discloses:

- **the device model agent is further operative to at least one of: add a new service received from an applications server to the device model agent,**

start a service running and stop a service, (Hemphill, Col. 7, Lines 42-61);

As per claim 35, claim 26 is incorporated and further Hemphill discloses:

- **the at least one respective unit comprises: an image processing device,** (Hemphill, Col. 3, Lines 16-19).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 31 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hemphill U.S. Patent No. 6,167,448 in view of Freed et al. US Publication No. 20030014650 A1.

As per claim 31 and 41, Hemphill does not specifically disclose:

- **at least one of the at least one respective device model agent is at least one of: implemented as a device proxy (210) and implemented in a device proxy within in the applications server.**

However, Freed discloses:

- **at least one of the at least one respective device model agent is at least one of: implemented as a device proxy (210) and implemented in a device proxy within in the applications server,** (Freed, paragraph [0042], Lines 2-6) where the SSL device acts as a proxy for one or more servers and the client recognizes the device as the server.
- Therefore, it would have been obvious to one of the ordinary skilled in the art at the time that the invention was made to incorporate the teaching of Freed into the teaching of Hemphill and one of the ordinary skilled in the art would be motivated to be able to configure a device to act as a proxy or the client can recognize the device as the server.

Claims 36-44 are system claims corresponding to system claims 26-35 respectively and are rejected under the same reason set forth as the rejection of claims 26-35 above.

Response to Arguments

3. Applicant's arguments filed November 30, 2010 have been fully considered but they are not persuasive.

The applicants argue that Hemphill does not disclose or suggest device model of the type recited in the claims. The examiner respectfully submits that Hemphill recites the managed device that includes communication logic that is communicatively coupled to the network for sending and receiving information according to any desired format or protocol (Hemphill, Col. 7, Lines 6-10). In the

other words the communication logic in the devices are being managed and monitored throughout the system, can communicate (send and receive) any desired information of any type which is identifying classes of information as recited in the independent claim 26. The managed devices include Application Programming Interface (API) for purpose of communication. The interchangeable device model which in the specification of the current application is referred to as Common Device Model or Abstract Device Model is just an Application Programming Interface (API) as shown in figure 10 of the current application's specification and every device in the system that is capable of communicating information in the system includes the Application Programming Interface.

As mentioned above, the managed device includes communication logic that is connected to the network and can send and receive information according to any type of communication protocol such as TCP/IP. The management agents in the other Hand are implemented to detect any one or more of the plurality of management events that may occur on the managed device (Hemphill, Col. 7, Lines 23-25). The management agent includes a management communication layer which is responsible for understanding a management protocol such as any one of the traditional protocol such as SNP, DMI, etc. Any type of communication system or device includes communication layer application and Application Programming Interface (API) which in the current application is referred to as device model.

The Management agent as claimed is the device that is responsible for managing the devices throughout the system that are referred to as managed devices by Hemphill. The management agent of Hemphill is implemented to detect a plurality of events that occur on managed device. That is the management agent of Hemphill communicatively monitors the managed devices and therefore is able to read an interchangeable device model and thus can access information according to the device being managed (Hemphill, Col. 7, Lines 23-28). The management agent can communicate with any managed device with any type of communication protocol. Therefore, it is obvious to one of the ordinary skilled in the art that there exists a method of mapping that makes the communication between the management agent and the managed devices possible. Communication between management agents and managed devices in the network where the managed devices are all comprising different communication protocols and schemes and are sending and receiving different type of information, requires some kind of mapping and indication of how different type of information are being communicated.

As per applicants' argument regarding the limitation of claim 27, the examiner submits that since the limitation of this claim and the independent claim 26 are similar therefore the above response to argument regarding arguments of claim 26 also applies to arguments of dependent claim 27.

Regarding he arguments on the dependent claim 28, the examiner submits that claim 28 requires a service provider that communicatively provides at least

one service such as software update. This is clearly disclosed by Hemphill where the software update is a type of action category which notifies the user whenever a new software update to software on their network becomes available on a corresponding web site and there exists tools that allow the new update to be fetched from servers to the clients (Hemphill, Col. 6, Lines 5-11). The servers are providing these updates therefore the servers can be the service providers.

Regarding the argument on claim 29, the examiner submits that the management agents 205 is included and added to the managed devices (202) as shown in figure 2. This is clearly showing the limitation of claim 29.

Regarding the argument on the dependent claim 30, the examiner responds that the management server of Hemphill includes a server interface that communicatively coupled to the network for sending and receiving information according to any desired format or protocol (Hemphill, Col. 7, Lines 62-66). Furthermore, it is shown in figure 1 of Hemphill a management server that is in communication with the managed devices in the network. This can be the management server as claimed as well.

Applicants' argue against the rejection of claim 32. The examiner respectfully responds that as explained before any device in the system such as the managed devices in Hemphill's invention include the Application Programming Interface that makes the communication for receiving and sending information in an out of the device in accordance with different type of communication protocols possible.

Regarding the argument on claim 33, the examiner responds that the communication at least via HTTP is discussed throughout the Hemphill's invention and specifically in column 7, Lines 23-41 and Column 8, Lines 1-15.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ARVIN ESKANDARNIA whose telephone number is (571) 270-3205. The examiner can normally be reached on Monday - Thursday, 8:00AM-6:00PM (EST),.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (571)272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ARVIN ESKANDARNIA/
Examiner, Art Unit 2442
Date: February 11, 2011

/KEVIN BATES/
Primary Examiner, Art Unit 2456